



General Assembly

February Session, 2012

***Raised Bill No. 5056***

LCO No. 566

\*00566\_\_\_\_\_GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

***AN ACT CONCERNING THE ELECTRONIC PRESCRIPTION DRUG  
MONITORING PROGRAM.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. Subsection (j) of section 21a-254 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective from*  
3 *passage*):

4 (j) (1) The commissioner shall, within available appropriations,  
5 establish an electronic prescription drug monitoring program to  
6 collect, by electronic means, prescription information for schedules II,  
7 III, IV and V controlled substances, as defined in subdivision (9) of  
8 section 21a-240, that are dispensed by pharmacies, nonresident  
9 pharmacies, as defined in section 20-627, [and] outpatient pharmacies  
10 in hospitals or institutions or by any other dispenser, as defined in  
11 section 21a-240. The program shall be designed to provide information  
12 regarding the prescription of controlled substances in order to prevent  
13 the improper or illegal use of the controlled substances and shall not  
14 infringe on the legitimate prescribing of a controlled substance by a  
15 prescribing practitioner acting in good faith and in the course of  
16 professional practice.

17     (2) The Commissioner of Consumer Protection may identify  
18     products to be included in the electronic prescription drug monitoring  
19     program established pursuant to subdivision (1) of this subsection. For  
20     purposes of this subdivision "product" means a herbal or chemical  
21     substance or drug.

22     ~~[(2)]~~ (3) Each pharmacy, nonresident pharmacy, as defined in  
23     section 20-627, [and each] outpatient pharmacy in a hospital or  
24     institution and dispenser, as defined in section 21a-240, shall report to  
25     the commissioner, at least twice monthly, by electronic means or, if a  
26     pharmacy or outpatient pharmacy does not maintain records  
27     electronically, in a format approved by the commissioner, the  
28     following information for all controlled substance prescriptions  
29     dispensed by such pharmacy or outpatient pharmacy: (A) Dispenser  
30     identification number; (B) the date the prescription for the controlled  
31     substance was filled; (C) the prescription number; (D) whether the  
32     prescription for the controlled substance is new or a refill; (E) the  
33     national drug code number for the drug dispensed; (F) the amount of  
34     the controlled substance dispensed and the number of days' supply of  
35     the controlled substance; (G) a patient identification number; (H) the  
36     patient's first name, last name and street address, including postal  
37     code; (I) the date of birth of the patient; (J) the date the prescription for  
38     the controlled substance was issued by the prescribing practitioner and  
39     the prescribing practitioner's Drug Enforcement Agency's  
40     identification number; and (K) the type of payment.

41     ~~[(3)]~~ (4) The commissioner may contract with a vendor for purposes  
42     of electronically collecting such controlled substance prescription  
43     information. The commissioner and any such vendor shall maintain  
44     the information in accordance with the provisions of chapter 400j.

45     ~~[(4)]~~ (5) The commissioner and any such vendor shall not disclose  
46     controlled substance prescription information reported pursuant to  
47     subdivision (2) of this subsection, except as authorized pursuant to the  
48     provisions of sections 21a-240 to 21a-283, inclusive. Any person who

49 knowingly violates any provision of this subdivision or subdivision (3)  
50 of this subsection shall be guilty of a class D felony.

51 ~~[(5)]~~ (6) The commissioner shall provide, upon request, controlled  
52 substance prescription information obtained in accordance with  
53 subdivision (2) of this subsection to the following: (A) The prescribing  
54 practitioner who is treating or has treated a specific patient, provided  
55 the information is obtained for purposes related to the treatment of the  
56 patient, including the monitoring of controlled substances obtained by  
57 the patient; (B) the prescribing practitioner with whom a patient has  
58 made contact for the purpose of seeking medical treatment, provided  
59 the request is accompanied by a written consent, signed by the  
60 prospective patient, for the release of controlled substance prescription  
61 information; or (C) the pharmacist who is dispensing controlled  
62 substances for a patient, provided the information is obtained for  
63 purposes related to the scope of the pharmacist's practice and  
64 management of the patient's drug therapy, including the monitoring of  
65 controlled substances obtained by the patient. The prescribing  
66 practitioner or pharmacist shall submit a written and signed request to  
67 the commissioner for controlled substance prescription information.  
68 Such prescribing practitioner or pharmacist shall not disclose any such  
69 request except as authorized pursuant to sections 20-570 to 20-630,  
70 inclusive, or sections 21a-240 to 21a-283, inclusive.

71 ~~[(6)]~~ (7) The commissioner shall adopt regulations, in accordance  
72 with chapter 54, concerning the reporting, evaluation, management  
73 and storage of electronic controlled substance prescription  
74 information.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-254(j)

***Statement of Purpose:***

To add nonresident pharmacies and other dispensers to the electronic prescription drug monitoring program and to allow the Commissioner of Consumer Protection to identify products to be included in said program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*